IN THE HIGH COURT OF JUDICATURE AT JABALPUR

WRIT PETITION NO. 2558 OF 1999

UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

PETITIONER:

Smt. Bittu Sharma
Wd/o Late Shri Govind Sharma,
Aged about 40 years,
Resident of Azad Chowk,
Sohaga Mandir Road, Bramhan
Para, Raipur (MP)

- VERSUS -

RESPONDENTS:

1. State of Madhya Pradesh
Through it's Secretary,
Public Works Department,
Vallabh Bhawan, BHOPAL (MP)

2. The Chief Engineer,
Public Works Department,
National Highway, Satpura
Bhawan, BHOPAL (MP)

3. The Sub Divisional Officer,
National Highway Sub Division,
Public Works Department,
Pension Bada, RAIPUR (MP)

4. Manoj Kumar Narang

5. Kumari Laxmi Dhruve

6. Mahesh Kumar Sahu

No. 4, 5 and 6 all Lower Division Clerks in the office of the Executive Engineer, Public Works Deparment, Highway Sub Division, Pension Bada, RAIPUR (MP)

7. The Presiding Officer,
Labour Court, RAIPUR (MP)

8. Industrial Court, Bench
Raipur (MP)

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER:

Same as given above in the Cause title.

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(42)

XI-HC-22

उच्च न्यायालय, ~~मध्यप्रदेश जबलपुर~~ Chhattisgarh, Bilaspur

आदेश पत्रक

मामला क्रमांक W.P. No. 2558/99 सन् 199

विरुद्ध

Before Hon'ble Mr. Justice W.A. Shitlak

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8/1/2001

Shri Prashant Mishra, learned counsel for petitioner.

Shri Ranveer Singh, learned counsel for respondents.

Heard.

The grievance of the petitioner is that the Labour Court has dismissed the case on the ground of delay. It is contended by Mr. Prashant Mishra that in fact no delay had been committed in filing the petition before the Labour Court. My attention has been drawn to the petition filed in the State Administrative Tribunal at Jabalpur in which it was stated amongst other things that the petitioner had filed the petition at Raipur for redressal of grievance. A prayer, therefore, was made that the petitioner be allowed to withdraw her petition on this ground. The said petition was disposed of by the learned State Administrative Tribunal on 15/11/1996. In the said order, the fact that the petitioner desired to file the petition before the Labour Court was not reflected. It appears that this fact has also contributed to the order of dismissal passed by the Labour Court. The grievance of the petitioner is that her case deserves to be decided on merits and that the petition ought not to have been dismissed on the ground of delay.

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	 After hearing learned counsel for both the sides and on perusal of relevant portions of the pleadings including reply filed by the respondents, I am of the view that it would meet the ends of justice if the matter is decided on merits. Accordingly the impugned order passed by the labour Court on 28/12/1998 and also order dated 12/4/1999 passed by the Industrial Court are set aside. The matter be remitted to the Labour Court for decision on merits after issuing notices to the parties. Sd/- Chief Justice	
rsnr		